

JAN. 10. 2005 9:47AM

RECEIVED
CENTRAL FAX CENTER

NO. 060 P. 1

P.O. Box 747
Falls Church, Virginia 22040-0747
Phone: (703) 205-8000
Fax: (703) 205-8050
(703) 698-8590 (GIV)

Birch, Stewart, Kolasch & Birch, LLP

Fax

BEST AVAILABLE COPY

To:	Mr. Derek Woods	From:	Robert E. Goozner
Fax:	703-872-9306	Date:	January 10, 2005
Phone:		Pages:	(6) (including cover sheet)
Your Ref.:	Appn. No. 09/977,375	Our Ref.:	2185-0578P
Re:		CC:	

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution, or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If your receipt of this transmission is in error, please notify this firm immediately by collect call to (703) 205-8000, and send the original transmission to us by return mail at the address above.

Comments: *As you suggested, attached is a copy of the Petition to Withdraw
Abandonment filed September 27, 2004, as well as a copy of the stamped
postcard receipt.*

BEST AVAILABLE COPY

Papers Filed herewith on: **9-27-04**
DOCKET NO.: **2185-578P** ATTY: **ADM/REG 62**
APPLICANT(S): **U. OAD et al**
APPLN. NO: **09/977,375** FILED: **10-16-01**
PAT NO.: _____

New Application with Transmittal Letter
 Utility Design CIP PCT Provisional
 Filing Under 37 CFR 1.53(b) CONT DIV
 Filing Under 37 CFR 1.114(RCE)
 Specification Consisting of: _____ pages
 Combined Declaration & Power of Attorney
 Assignment / Cover Letter
 Letter to Official Draftsman
 Drawings _____ Sheets Formal Informal Red-Ind
 Completion of Filing Requirements, PCT/BO/EO/905
or Formalities Letter and Executed Declaration TRADEMARK
 Priority Document(s) / Cover Letter, No. Doc. _____
 Amendment:
 Transmt Ltr Large Entity Small Entity
 Response _____
 Information Disclos Stmt, PTO-1449(e) _____ doc(s)
 PTO / ISA / 210
 Notice of Appeal Appeal Brief
 Issue Fee Transmittal Sequence Listing
 FEES: _____
 Letter: _____
 Other: *Petition to withdraw abandonment;*
Copy of Appeal brief filed 7-19-04;
Case of ~~abandonment~~ abandoned patent

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: **9-27-04**
Handcarry: _____

DOCKET NO. **2185-578P**

JAN 10 2005 9:50AM

NO. 060 P. 3

RECEIVED
CENTRAL FAX CENTER

JAN 10 2005

MS PETITION
PATENT
2185-0578P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yoshinobu ONO et al. Conf.: 3053
Appl. No.: 09/977,375 Group: 2811
Filed: October 16, 2001 Examiner: JUNGWHA IM
For: 3-5 GROUP COMPOUND SEMICONDUCTOR AND
LIGHT-EMITTING ELEMENT

PETITION TO WITHDRAW ABANDONMENT
SINCE REPLY WAS TIMELY FILED

MS PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 27, 2004

Sir:

In response to the Notice of Abandonment mailed July 28, 2004, which issued in connection with the above-identified application, this is a Petition to withdraw the "abandonment status" of the present application, since a Reply was timely filed on July 19, 2004.

1. EVIDENCE

As evidence of the fact that a Reply was timely filed, enclosed herewith are the following:

- a copy of the Reply filed July 19, 2004; and
- a copy of the postcard receipt which was date-stamped on July 19, 2004.

2. TERMINAL DISCLAIMER

The present application was filed on or after May 29, 2000. Accordingly, no Terminal Disclaimer is necessary. It is noted that the present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no reduction in patent term adjustment should be made, in accordance with the provisions of 37 C.F.R. § 1.704(c)(4).

The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no Terminal Disclaimer under 37 C.F.R. § 1.321(a) is necessary. See MPEP § 711.03(c).

The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being filed more than two (2) months from the mailing date of the Notice of Abandonment. Accordingly, a Terminal Disclaimer under 37 C.F.R. § 1.321(a) and the required fee set forth in 37 CFR 1.20(d) are being submitted concurrently herewith. The period being disclaimed is equivalent to the period between (1) the date that is two months after the mail date of the notice of abandonment and (2) the filing date of the present petition to withdraw the holding of abandonment. See MPEP § 711.03(c).

JAN. 10. 2005 9:51AM

NO. 060 P. 5

Appl. No. 09/977,375

It is requested that the abandonment status of the present application be immediately removed so that prosecution may resume with full consideration and entry into the record of the timely filed Reply.

If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, Robert E. Goozner, Ph.D., at the phone number listed below.

It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the U.S. Patent and Trademark Office.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

Andrew D. Meikle, #32,868

Robert
ADM/REG:jls
2185-0578P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Copy of Reply
Copy of postcard receipt

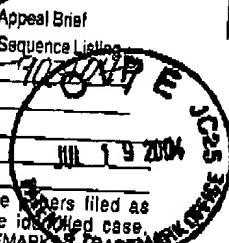
(Rev. 08/19/2004)

BEST AVAILABLE COPY

Papers Filed herewith on: 7-19-04
 DOCKET NO: 2185-5787 ATTY: RDM/REG
 APPLICANT(S): 4-000 47-01
 APPLN. NO: 09/977,375 FILED: 10-16-01
 PAT NO: _____

New Application with Transmittal Letter
 Utility Design CIP PCT Provisional
 Filing Under 37 CFR 1.53(b) CONT DIV
 Filing Under 37 CFR 1.114(RCE)
 Specification Consisting of: _____ pages
 Combined Declaration & Power of Attorney
 Assignment / Cover Letter
 Letter to Official Draftsman
 Drawings _____ Sheets Formal Informal Red-Ink
 Completion of Filing Requirements, PCT/DO/EO/905
 or Formalities Letter and Executed Declaration
 Priority Document(s) / Cover Letter, No. Doc. _____
 Amendment: _____
 Transm'l Ltr Large Entity Small Entity
 Response _____
 Information Disc Stmtl PTO-1449(s) _____ doc(s)
 PTO/ISA/210
 Notice of Appeal _____
 Issue Fee Transmittal _____
 FEES: 2340.00 CASH 7-19-04 Appeal Brief
 Letter: _____ Sequence Listing _____
 Other: _____

Receipt is hereby acknowledged of the papers filed as
 indicated in connection with the above identified case.
 COMMISSIONER OF PATENTS AND TRADEMARKS
 Due Date: 7-17-04
 Handcarry: _____

DOCKET NO. 2185-5787

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

BLACK BORDERS

IMAGE CUT OFF AT TOP, BOTTOM OR SIDES

FADED TEXT OR DRAWING

BLURRED OR ILLEGIBLE TEXT OR DRAWING

SKEWED/SLANTED IMAGES

COLOR OR BLACK AND WHITE PHOTOGRAPHS

GRAY SCALE DOCUMENTS

LINES OR MARKS ON ORIGINAL DOCUMENT

REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY

OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.